IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.742 of 2006
Date of Decision:- 07.11.2006

Ram Dass ....Petitioner

through
Mr.B.B.Sharma, Advocate

vs.

Sandeep Singh & ors. ....Respondents

through
Mr.Rajesh Bansal, Advocate for Nos.1 & 3.
Mr.Karan Bhardwaj, Advocate for No.2.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

This revision petition is preferred against the order dated 6.12.2005 passed by the Motor Accidents Claims Tribunal, Karnal whereby an application for amendment of the claim petition moved by the petitioner-claimant, has been dismissed.

Vide the aforesaid application, the petitioner wanted to amend Clause 9 of the claim petition where particulars of the criminal case, if any, registered in relation to the accident in question are to be disclosed. It is averred that the accident had allegedly taken place within the jurisdiction of Police Station, Sadar Panipat, in respect of which D.D.R.No.26 dated 6.10.2001 was recorded in the said Police Station. However, reference to DDR No.11 dated 4.10.2001 recorded in Police Station Gharaunda has been made in the claim petition by mistake.

Notice of motion was issued and in response thereto, learned

counsel for the respondents have also been heard.

The only question which has to be gone into at this stage is as to whether or not the petitioner should be permitted to seek amendment in his claim petition. There appears to be no justifiable reason to deny him to seek amendment in the claim petition and to furnish the aforesaid particulars, which according to the petitioner are the correct particulars/ This, however, does not mean that the learned Tribunal is bound to accept that the accident had taken place within the territorial jurisdiction of Police Station, Sadar Panipat only as averred by the petitioner in his amended petition. The question to this effect shall remains open to be adjudicated upon keeping in view the evidence on record.

Consequently and for the reasons aforesaid, this revision petition is allowed and impugned order dated 6.12.2005 passed by the learned Tribunal is set aside to the extent that the petitioner is permitted to file the amended claim petition which, however, shall not preclude the respondents from disputing the petitioner's stand with regard to the jurisdiction of the Police Station in relation to the accident in question. Similarly, it shall also be open for the learned Tribunal to go into the said question and decide the same on the basis of evidence led by the parties.

November 07, 2006 **(SURYA KANT)**
poonam **JUDGE**